

STATE OF RHODE ISLAND  
BEFORE THE STATE LABOR RELATIONS BOARD

In the matter of:

Rhode Island Laborers' Council in behalf :  
of Local 1033, Affiliate of Laborers' International :  
Union of North America ("Local 1033") and :  
Rhode Island Council 94, A.F.S.C.M.E. ("Council 94") :  
: :  
- and - :  
: :  
Narragansett Bay Water Quality Management District :  
Commission Employer :

DISMISSAL OF  
PETITION BY EMPLOYER FOR INVESTIGATION AND  
CERTIFICATION OF REPRESENTATIVES

On July 12, 1993, Narragansett Bay Water Quality Management District Commission filed a "Petition by Employer for Investigation and Certification of Representatives Pursuant to Section 28-7-16, G.L., 1956, Entitled State Labor Relations Act".

Said petition indicated that:

"Local 1033 was certified as the exclusive bargaining unit representative for certain positions within the NBC on or about February 3, 1984, Case No. EE-3115";

and alleged that:

"Council 94 alleges to have status as a bargaining unit representative for certain positions of the NBC notwithstanding an apparent lack of certification."

A review of the Board's files indicates that there are currently three (3) bargaining units in existence covering the employees of the now merged Narragansett Bay Water Quality Management District Commission.

On February 8, 1968, R.I. Public Employees, Council 70, AFSCME, AFL-CIO (now known as R.I. Council 94, AFSCME) was certified as the bargaining representative in Case No. EE-1704 for:

"employees of the Blackstone Valley Sewer District Commission, excluding the Commissioners, the Executive Secretary, Senior Accountant, accountants, Chemical Engineer, Maintenance Engineer, Administrative Assistant and supervisors."

On January 20, 1977, RISEA-Council 22, AFSCME, AFL-CIO (now know as R.I. Council 94, AFSCME) was certified as the bargaining representative in Case No. EE-3133 for:

"all eligible employees within the Commissions and Agencies ..., excluding top level supervisory and professional employees."

On February 24, 1977, the following list of employees of the Blackstone Valley Sewer District Commission were accreted to the bargaining unit defined in Case No. EE-3133:

Assistant Plant Superintendent	Chemical Engineer
Principal Accountant	Accountant
Administrative Officer	Sr. Process Supervisor
Process Supervisor	Maintenance Superintendent

On March 8, 1989, the following list of employees of the Blackstone Valley Sewer District Commission were also accreted to the bargaining unit defined in Case EE-3133:

Sr. Clerk Typist	Sr. Clerk Stenographer
Principal Accountant	Senior Accountant
Accountant	Principal Chemist
Assistant Plant Superintendent	Wastewater Process Monitor II
Maintenance Superintendent	

On February 3, 1984, Rhode Island Laborers' District Council in Behalf of the Laborers' International Union of North America, AFL-CIO was certified by Agreement of the Parties as the bargaining representative in Case No. EE-3315

"... any and all classified employees employed by the Commission."  
(Narragansett Bay Water Quality Management District Commission)

The titles in the unit at the time of certification were:

Administrative Aide	Senior Administrative Aide
WWTF Operator I	WWTF Operator II
Mason	Carpenter
Clerk Dispatcher	Process Monitor
Plant Mechanic	Maintenance Mechanic
Mechanical Parts Storekeeper	CS Operator I
CS Operator II	CS Operator III
Laboratory Aide	

On July 27, 1993, the State Labor Relations Board did receive a copy of legislation passed during the 1991 General Assembly relative to R.I. General Laws 46-25; and more specifically, Chapter 10.2:

"MERGER OF THE BLACKSTONE VALLEY DISTRICT COMMISSION AND NARRAGANSETT BAY WATER QUALITY MANAGEMENT DISTRICT COMMISSION"

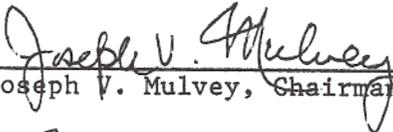
wherein, subsection (e) states, in part:

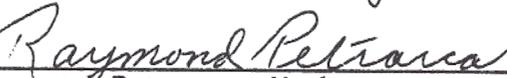
"... The merger as provided for herein shall not impair the obligation of any contract or agreement or alter existing bargaining units..."  
(underlining added).

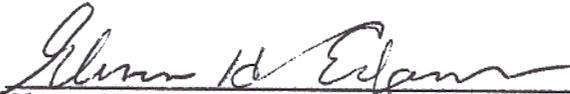
For all of the foregoing, the Board has determined that there is no question or controversy concerning the representation of employees of the Narragansett Bay Water Quality Management District Commission. Therefore, the Petition for Investigation and Certification of Representatives Pursuant to Section 28-7-16, General Laws, 1956, Entitled State Labor

Relations Act, filed by the Narragansett Bay Water Quality Management District Commission on July 12, 1993 is hereby dismissed; and the bargaining units defined in Case Nos. EE-1704, EE-3133 and EE-3315 shall remain in effect.

RHODE ISLAND STATE LABOR RELATIONS BOARD

  
Joseph V. Mulvey, Chairman

  
Raymond Petrarca, Member

  
Glenn H. Edgecomb, Member

  
Daniel L. Beardsley, Jr., Member

Entered as Order of the  
Rhode Island State Labor Relations Board

Dated: October 27, 1993

By:   
Agent of the Board